

Exhibit T

Declaration of Lisa J. Cisneros in Support of Plaintiffs’
Opposition Briefs (“Cisneros”), February 6, 2014,
(Dkt. 605)

(Public - redacted under seal portions)

Ron Okamoto

February 27, 2013 Deposition

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION
4
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6 IN RE: HIGH-TECH EMPLOYEE)
7 ANTITRUST LITIGATION)
8) No. 11-CV-2509-LHK
9 THIS DOCUMENT RELATES TO:)
10 ALL ACTIONS.)
11 _____)
12
13
14

15 VIDEO DEPOSITION OF RON OKAMOTO
16 February 27, 2013
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19 REPORTED BY: GINA V. CARBONE, CSR NO. 8249, RPR, CCRR
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09:32:02 1 their best people, to make that critical transition
09:32:05 2 without having the noise of cold calling as being part
09:32:08 3 of the things that could potentially hold them back from
09:32:11 4 doing that.

09:32:12 5 Q. Did you speak with Steve Jobs about the issues
09:32:16 6 that you've been discussing prior to talking to the
09:32:18 7 recruiting team?

09:32:20 8 A. When you say "the issues," can you please
09:32:24 9 explain.

09:32:25 10 Q. Sure. The -- you spoke with recruiters at a
09:32:27 11 certain point about ceasing cold calling practices; is
09:32:30 12 that accurate?

09:32:30 13 A. What I recall is having a conversation with a
09:32:33 14 gentleman named Mark Bentley where I told him that the
09:32:37 15 cold calling practices was getting in the way or at
09:32:39 16 least, you know, creating a -- not a great atmosphere
09:32:41 17 for us to be able to do this sensitive work.

09:32:43 18 Q. Did you request that he cease cold calling
09:32:46 19 Adobe employees at that time?

09:32:47 20 A. I told him it wasn't a good idea.

09:32:50 21 Q. Did you speak with Steve Jobs about your
09:32:52 22 request prior to speaking to Mark Bentley?

09:32:59 23 A. I don't recall if I did.

09:33:00 24 Q. Did you ask Mr. Bentley not to recruit any
09:33:05 25 employees from Adobe?

09:33:06 1 A. No, I didn't. What I told -- what I told him
09:33:08 2 is, it was the practice of cold calling that was causing
09:33:11 3 the issues. Which is pretty much our guys grabbing a
09:33:15 4 phone book and just starting to make calls to people.
09:33:18 5 You know, this was not about not hiring people. This
09:33:21 6 was not about -- this was about cold calling. And so
09:33:24 7 that was the thing that was -- that was upsetting.

09:33:32 8 Q. Which engineering teams at Adobe were working
09:33:35 9 with Apple on these transitions?

09:33:40 10 A. At the time, I don't think there wasn't a
09:33:43 11 product that Adobe was working on that didn't have to go
09:33:46 12 through the transition. But, of course, as I mentioned,
09:33:49 13 one of the most important was Photoshop. So one way or
09:33:53 14 the other, all of Adobe's products that run on the Mac
09:33:57 15 ultimately had to get worked on.

09:33:59 16 Q. How many engineers were working on the -- on
09:34:00 17 the -- that team at Adobe?

09:34:02 18 A. I don't know -- I don't know specifically what
09:34:03 19 the number or the count was.

09:34:06 20 Q. Did you ask Mr. Bentley to limit the practice
09:34:09 21 of cold calling just with respect to the engineers who
09:34:11 22 were working on the Adobe-Apple collaborations?

09:34:14 23 A. I don't recall if I gave him that specific
09:34:16 24 instruction.

09:34:17 25 Q. You told him to cease cold calling from Adobe

09:34:21 1 generally; is that accurate?

09:34:22 2 A. No. What I recall is that I told him that the
09:34:24 3 practice that he was engaged in, the cold calling, was
09:34:27 4 something that, again, was not creating the right
09:34:31 5 atmosphere for the kind of collaboration that we wanted.

09:34:35 6 Q. Did you request that Steve Jobs speak with
09:34:38 7 anyone at Adobe about the decision not to cold call?

09:34:40 8 A. I don't recall.

09:34:41 9 Q. Are you aware that Steve Jobs had a
09:34:43 10 conversation or email conversation with the CEO of Adobe
09:34:48 11 regarding cold calling?

09:34:53 12 A. I don't know if he had that. But, again, you
09:34:55 13 know, what I did was talked to Mark Bentley about the
09:34:58 14 issues that we had with respect to the sensitivity.

09:35:01 15 Q. My question was whether you were aware that
09:35:03 16 Mr. Jobs had conversations with Adobe's CEO --

09:35:06 17 A. I don't recall.

09:35:06 18 Q. -- about the practice of recruiting.

09:35:09 19 You're not aware?

09:35:11 20 Are you aware or you don't know?

09:35:14 21 MR. RILEY: I believe he answered "I don't
09:35:15 22 recall." But you two are starting to talk over each
09:35:18 23 other.

09:35:19 24 THE WITNESS: I don't recall.

09:35:29 25 MS. SCHALMAN-BERGEN: Q. Are you aware of

10:35:17 1 Q. Did you receive more compensation at FirePower
10:35:20 2 when you came on than you had been previously receiving
10:35:24 3 at Canon?

10:35:25 4 A. I don't remember if I did or I didn't.

10:35:29 5 Q. Did you receive any ownership, stock options in
10:35:35 6 FirePower?

10:35:35 7 A. Yes, I believe I did.

10:35:47 8 Q. Did you ever meet Steve Jobs when you worked at
10:35:50 9 FirePower?

10:35:50 10 A. No.

10:35:51 11 Q. When was the first time you met Steve Jobs?

10:35:55 12 A. When I went to Apple to talk to him about the
10:35:58 13 job opportunity at Apple.

10:36:01 14 Oh, I'm sorry. Excuse me. I mentioned before
10:36:05 15 that I did meet him once, which was at a meeting that I
10:36:09 16 had when I was at Adobe. This is the one I had
10:36:12 17 mentioned prior where I spoke about -- you know, the
10:36:14 18 only thing I can remember is we spoke about the font
10:36:16 19 business. But that was just that meeting. And then the
10:36:19 20 next time was when we spoke about the job opportunity at
10:36:22 21 Apple.

10:36:23 22 Q. Do you recall what year it was that you met him
10:36:25 23 to discuss the font business?

10:36:28 24 A. No. It was just sometime during my time at
10:36:30 25 Adobe.

10:36:31 1 Q. Prior to 2001?

10:36:33 2 A. Probably.

10:36:38 3 Q. You came to Apple in 2001; is that correct?

10:36:40 4 A. Oh, yeah. So it had to be prior. What I mean

10:36:43 5 is, you know, was it before, earlier, you know, middle.

10:36:56 6 Q. Did anyone at FirePower inform anyone at Canon

10:37:01 7 that you were applying for the job?

10:37:09 8 A. No, I don't believe -- I don't believe so.

10:37:19 9 Q. When FirePower made you the offer, did they

10:37:21 10 require that you leave employment with Canon before they

10:37:25 11 would extend an offer to you?

10:37:27 12 A. No, they did not.

10:37:38 13 Q. Who did you report to in your last job title at

10:37:44 14 Canon -- at Canon?

10:37:45 15 A. A gentleman by the name of Peter Bergman.

10:37:49 16 Q. Was Peter aware that you were applying for the

10:37:52 17 job at FirePower prior to your receiving the offer?

10:37:57 18 A. Yes.

10:37:58 19 Q. Did he provide a reference for you?

10:38:01 20 A. I don't believe he did.

10:38:09 21 Q. After FirePower, you left to go to Macromedia;

10:38:12 22 is that accurate?

10:38:13 23 A. Yes.

10:38:14 24 Q. What year did you join Macromedia?

10:38:24 25 A. Had to be around 1990 -- 1995, 1996.

10:38:39 1 Q. Was the job at Macromedia based in Northern
10:38:42 2 California as well?

10:38:50 3 A. Yes.

10:38:51 4 Q. What was the job title that you were hired into
10:38:54 5 at Macromedia?

10:38:55 6 A. Director of product marketing.

10:39:00 7 Q. As director of product marketing, were your
10:39:02 8 responsibilities different than your responsibilities at
10:39:05 9 FirePower?

10:39:08 10 A. No, but the transition was between FirePower
10:39:11 11 was a PC hardware company and Macromedia was a software
10:39:15 12 company. So the basic product management
10:39:17 13 responsibilities were very similar, but the type of
10:39:20 14 products were different.

10:39:23 15 Q. How did you become aware of the opportunity at
10:39:25 16 Macromedia?

10:39:26 17 A. A friend had told me.

10:39:31 18 Q. Who was the friend?

10:39:34 19 A. Phil Schiller.

10:39:37 20 Q. Where does Phil Schiller work now?

10:39:40 21 A. Apple.

10:39:41 22 Q. What's his job title?

10:39:43 23 A. I believe he's EVP of marketing.

10:39:53 24 Q. From where did you become friends with Phil
10:39:57 25 Schiller?

11:01:34 1 A. Yes, I did.

11:01:35 2 Q. How frequently?

11:01:36 3 A. Again, not that frequently. It was primarily
11:01:39 4 in those forecasting meetings.

11:01:41 5 Q. While you were at Adobe, did you have any
11:01:54 6 responsibilities with respect to setting compensation
11:01:55 7 for the people that you managed?

11:02:00 8 A. Well, similar to what I described at
11:02:04 9 Macromedia, at Adobe, again, we had a recruiting
11:02:07 10 department. So when we had open requisitions, we would
11:02:10 11 work with the recruiting department on getting resumes
11:02:13 12 of potential candidates. We would take a look at that.
11:02:17 13 And if we saw somebody we wanted to hire, we would take
11:02:20 14 a look and make sure that we could, you know, offer
11:02:22 15 something that we think they would accept. And so to
11:02:25 16 that extent, that we were -- you know, we were one of
11:02:28 17 the feedback loops in terms of creating the offer.

11:02:34 18 Q. While you were at Adobe, did you have any
11:02:36 19 responsibilities with respect to recruiting?

11:02:43 20 A. Well, there's two things, right, is what I
11:02:45 21 said, which is, you know, there were the open
11:02:47 22 requisitions that would do that. But if I knew some
11:02:50 23 people that I had known from a prior life, similar to
11:02:53 24 what happened to me through my career, if I felt that
11:02:56 25 they would be interested or, you know, possible good

11:02:58 1 fit, I could just ask them if they were interested in
11:03:01 2 looking at a job at Adobe. But these were people I knew
11:03:06 3 from my, you know, prior lives.

11:03:10 4 Q. Do you know whether recruiters at Adobe used
11:03:14 5 cold calling as a means to attract candidates?

11:03:17 6 A. Not to my knowledge.

11:03:20 7 Q. No, they didn't, or no, you're not aware of
11:03:22 8 whether they did or not?

11:03:24 9 A. No, I'm not aware.

11:03:31 10 Q. While at Adobe, did you ever have occasion to
11:03:35 11 work on any collaborations between Adobe and Apple?

11:03:41 12 A. Yes.

11:03:41 13 Q. What were those?

11:03:42 14 A. It was some performance optimizations that we
11:03:45 15 needed to do with Photoshop. There was a -- there was
11:03:48 16 some things, there were some plug-ins that we had
11:03:54 17 created that allowed Photoshop to run better on the Mac
11:03:58 18 platform and we worked with Adobe -- I mean, rather with
11:04:00 19 Apple, because it was Adobe at the time. We worked with
11:04:03 20 Apple to make sure that those things got built, and then
11:04:06 21 we worked with them so that they were released to the
11:04:10 22 public so people could get a better performing version
11:04:13 23 of Photoshop on their Macs.

11:04:16 24 Q. What was your role in that process?

11:04:18 25 A. Basically making sure that those plug-ins were

11:04:21 1 launched and they got out to the customers' hands.

11:04:25 2 Q. What steps were involved in making sure the
11:04:27 3 plug-ins were launched?

11:04:29 4 A. Let's see. Well, obviously we had to confirm
11:04:37 5 that they were done, they were blessed by engineering.

11:04:40 6 And I can't remember if we made it available on the

11:04:47 7 website or how we distributed it, but there was --

11:04:51 8 again, it's a while ago, so I'm -- but we were able,

11:04:55 9 then, to make sure that those plug-ins were made

11:04:58 10 available to you, to existing Photoshop customers so

11:05:01 11 that whenever -- you know, if they had the Mac, they

11:05:03 12 could get the plug-ins, put it in, and then get a better

11:05:07 13 performing version. The specifics of how they got it, I

11:05:10 14 really can't recall now.

11:05:11 15 Q. In order for this project to occur, did

11:05:14 16 engineers at Adobe have to work with engineers at Apple?

11:05:17 17 A. Yes, they did.

11:05:19 18 Q. Do you know how many engineers at Adobe worked

11:05:21 19 with how many engineers at Apple?

11:05:22 20 A. No, I don't.

11:05:25 21 Q. Did you super- -- you didn't supervise any of
11:05:27 22 the engineers at Adobe?

11:05:28 23 A. No, I did not supervise the engineering work.

11:05:31 24 Q. Who did supervise the engineers that were
11:05:32 25 working with Apple?

11:17:31 1 MS. SCHALMAN-BERGEN: We've been going for
11:17:31 2 about another hour. You want to take a break?

11:17:33 3 MR. RILEY: All right.

11:17:34 4 MS. SCHALMAN-BERGEN: Thank you.

11:17:35 5 THE VIDEOGRAHER: This is the end of video
11:17:36 6 No. 2. The time is 11:17 a.m. We're going off the
11:17:38 7 record.

11:17:40 8 (Recess taken.)

11:26:18 9 THE VIDEOGRAHER: This is the beginning of
11:26:19 10 video No. 3 in the deposition of Ron Okamoto. The time
11:26:23 11 is 11:26 a.m. We're back on the record.

11:26:28 12 MS. SCHALMAN-BERGEN: Q. Mr. Okamoto, is
11:26:29 13 there any reason why you can't continue to give me
11:26:31 14 your best testimony?

11:26:32 15 A. No.

11:26:45 16 Q. How would you describe the relationship between
11:26:47 17 Adobe and Apple during the time when you worked at
11:26:49 18 Adobe?

11:26:53 19 A. It was a good relationship.

11:27:00 20 Q. How would you describe the relationship between
11:27:02 21 Adobe and Apple during the time you worked -- have
11:27:06 22 worked at Apple?

11:27:09 23 A. It's been fundamentally a good relationship,
11:27:11 24 but there's been challenges at times.

11:27:14 25 Q. What sorts of challenges?

11:27:16 1 A. Most specifically in the areas where we
11:27:18 2 compete, where we have similar products going after
11:27:21 3 similar customers.

11:27:21 4 Q. What areas are those?

11:27:23 5 A. That would be in the film editing area.

11:27:27 6 Q. Any other areas?

11:27:28 7 A. That's -- I believe that's primarily it.

11:27:40 8 Q. Have there been any sorts of challenges that
11:27:43 9 affected the relationship with -- between Adobe and
11:27:45 10 Apple with respect to Flash?

11:27:50 11 A. Well, there was -- there was a -- there was a
11:27:57 12 challenge in that Flash is something that Adobe really
11:28:01 13 wanted to see on our mobile platform, and it's something
11:28:04 14 that we didn't put on there.

11:28:09 15 Q. Did the challenge with Flash cause any tension
11:28:12 16 or disruption between the Apple and Adobe relationship?

11:28:17 17 A. I wouldn't call it disruption. Definitely
11:28:20 18 there was a difference of opinion there.

11:28:26 19 Q. Did the difference of opinion lead Apple and
11:28:29 20 Adobe to cease collaborating with each other?

11:28:34 21 A. No, not on the important things.

11:28:37 22 Q. What were the important things?

11:28:38 23 A. Again, the same things that I've -- I spoke
11:28:41 24 about before: Making sure that their products were
11:28:44 25 running well on our platform.

11:28:49 1 Q. When did the challenge with Flash occur?

11:28:56 2 A. I believe it happened around the time that we
11:28:59 3 introduced the iPhone.

11:29:01 4 Q. What year would that be?

11:29:03 5 A. What's that, about five years ago, so 2007,
11:29:10 6 2008, in that time frame.

11:29:16 7 Q. In 2001, you left Adobe to go to Apple; is that
11:29:20 8 accurate?

11:29:21 9 A. Yes.

11:29:23 10 Q. What was your position when you began working
11:29:26 11 at Apple?

11:29:27 12 A. Vice president of developer relations.

11:29:35 13 Q. How did you learn about the opportunity at
11:29:37 14 Apple?

11:29:39 15 A. Phil Schiller gave me a phone call.

11:29:42 16 Q. What did Phil say?

11:29:44 17 A. That there was an opportunity at Apple and
11:29:46 18 would I be interested in discussing it with him.

11:29:51 19 Q. Do you recall when he made that phone call?

11:29:55 20 A. No, not the specifics. No, not a specific
11:29:59 21 time.

11:30:01 22 Q. Was it in 2001?

11:30:07 23 A. Yes, I believe it was.

11:30:10 24 Q. What month did you begin working at Apple?

11:30:12 25 A. It was around March or April.

11:30:16 1 Q. So in early 2001, Phil called you to tell you
11:30:19 2 that there was an opportunity with Apple?

11:30:21 3 A. Yes.

11:30:23 4 Q. At the time, were you satisfied with your job
11:30:27 5 at Adobe?

11:30:28 6 A. Less so.

11:30:29 7 Q. Why so?

11:30:32 8 A. I really enjoyed the company when Chuck and
11:30:35 9 John were running it. They, you know, approached it
11:30:37 10 from a certain perspective. And when there was the
11:30:41 11 changeover in the management, it just became, in my
11:30:46 12 opinion, a little bit too rigid.

11:30:50 13 Q. In what ways was it too rigid?

11:30:53 14 A. We were definitely following more of the -- you
11:30:55 15 know, what are the numbers saying and everything, so it
11:30:57 16 was more analytical. And there's nothing wrong with
11:31:01 17 that. I think that was, given the size of the business
11:31:02 18 and where it was going, is perfectly appropriate, but it
11:31:05 19 wasn't as good of a fit for me.

11:31:07 20 Q. When you say you were following more of what
11:31:09 21 the numbers were saying, what do you mean by that?

11:31:12 22 A. Well, just very good -- you know, a very strong
11:31:15 23 focus on the financials, making sure that, you know,
11:31:17 24 accurate forecasts were being made, accurate sales --
11:31:20 25 you know, good sales were being made, and really

01:36:51 1 Q. Do you recognize this document?

01:36:53 2 A. Yes, I do.

01:36:55 3 Q. Is this a document that you reviewed in
01:36:56 4 preparation for your deposition?

01:36:58 5 A. No, I didn't -- oh, that I reviewed? I'm
01:37:01 6 sorry. Yes.

01:37:03 7 Q. Yes, you did review this document --

01:37:04 8 A. Yes.

01:37:04 9 Q. -- to prepare for your deposition?

01:37:06 10 A. I've seen this, yes.

01:37:09 11 Q. When was the last time you saw this document?

01:37:14 12 A. Probably when I wrote it back in 2010.

01:37:18 13 Q. You have not seen this document since learning
01:37:21 14 that you would have your deposition taken; is that
01:37:23 15 correct?

01:37:24 16 A. No.

01:37:27 17 Q. Can you tell me what this document is.

01:37:30 18 A. Yeah. This document is somewhat describing
01:37:33 19 what I've spoken about before, which is we have a group
01:37:39 20 of folks that we wanted to make sure they were able to
01:37:43 21 get their raises within the total corporate budget
01:37:46 22 allocation that we had of █ percent. And I had told you
01:37:50 23 before that some of these scales, there's like a medium,
01:37:52 24 high, and a low. So there were some situations where
01:37:55 25 people were bumping into the top of that; and,

01:37:57 1 therefore, you know, how do we handle that? Because
01:37:59 2 sometimes it's promotion, and you want to make sure that
01:38:02 3 all the people who are performing well get rewarded.
01:38:05 4 And those that aren't, you know, performing well, you
01:38:08 5 know, they get a message as well.

01:38:10 6 Q. So you're working within the corporate
01:38:12 7 guidelines to achieve those goals?

01:38:14 8 A. No. What I'm working with is a budget of
01:38:16 9 █percent against our total budget of compensation.

01:38:21 10 Q. What do you mean by "a budget of █percent"?

01:38:23 11 A. The way that we look at it is if you have your
01:38:26 12 total payroll to your organization, that for this
01:38:30 13 budgeting cycle, you could allocate █percent of -- you
01:38:33 14 know, █percent of that to raises and, basically, you
01:38:37 15 know, adjustments in compensation based on performance
01:38:39 16 of the employees.

01:38:42 17 Q. Let me back up.

01:38:43 18 You recognize that this is an email from you to
01:38:47 19 Philip Shoemaker; is that correct?

01:38:49 20 A. It's not Philip Shoemaker.

01:38:51 21 Q. Oh.

01:38:53 22 A. Oh, yes, I'm sorry, at the very top. Yes.

01:38:56 23 Q. Okay. So there are two emails, one is
01:38:58 24 forwarded, and the top email you recognize to be an
01:39:00 25 email from you to Phillip Shoemaker; is that correct?

01:39:03 1 A. Yes.

01:39:04 2 Q. And the second email in the chain is from Phil

01:39:09 3 Schiller to you with Paige Riveron --

01:39:15 4 Is that how you pronounce her name?

01:39:17 5 A. Riveron.

01:39:18 6 Q. -- Riveron, excuse me, copied on it; is that

01:39:21 7 accurate?

01:39:21 8 A. Yes.

01:39:22 9 Q. And at the top of the document, do you see your

01:39:23 10 name in the to line -- in the from line, excuse me?

01:39:25 11 A. Yes.

01:39:26 12 Q. And following your name is an email address.

01:39:28 13 Do you see that?

01:39:30 14 A. Yes.

01:39:30 15 Q. And is that the email address that you use at

01:39:33 16 Apple?

01:39:34 17 A. Yes. That's my corporate email address.

01:39:38 18 Q. That's the email address that you use to send

01:39:41 19 and receive emails?

01:39:42 20 A. Yes.

01:39:42 21 Q. And do you send and receive emails in the

01:39:45 22 ordinary course of business?

01:39:46 23 A. Yes.

01:39:49 24 Q. Has your email address changed since you've

01:39:52 25 been at Apple?

01:39:53 1 A. No.

01:39:59 2 Q. Who's Phillip Shoemaker?

01:40:01 3 A. Phillip Shoemaker is one of my direct reports

01:40:03 4 who handles part of the team.

01:40:05 5 Q. What's his job title?

01:40:07 6 A. Director of app review.

01:40:11 7 Q. And do you recognize that to be his email

01:40:13 8 address?

01:40:13 9 A. Yes.

01:40:16 10 Q. In the to line, excuse me.

01:40:18 11 A. Yes.

01:40:20 12 Q. Who is Paige Riveron?

01:40:24 13 A. Paige Riveron is one of the folks in our HR

01:40:28 14 team.

01:40:29 15 Q. And then there is a third email in the chain

01:40:37 16 that it looks like you sent on September 14th, 2010, at

01:40:41 17 3:06 p.m., and it looks like it's from you to Phil

01:40:44 18 Schiller; is that accurate?

01:40:50 19 A. Yes, that's what it appears to be.

01:41:00 20 Q. And in the email, the bottom email on this

01:41:03 21 page, you say, "All teams are using the corporate

01:41:07 22 guidelines of [REDACTED] percent for their teams based on

01:41:10 23 performance and salary range."

01:41:11 24 Do you see that?

01:41:12 25 A. Yes.

01:41:13 1 Q. And does that accurately describe the process
01:41:15 2 you were just telling me?

01:41:18 3 MR. RILEY: Objection to the form of the
01:41:19 4 question.

01:41:19 5 THE WITNESS: Yes. What -- what it means is,
01:41:22 6 is that again, I told you that it was a budget -- that
01:41:25 7 there was a budget allocation. That budget allocation
01:41:28 8 is [REDACTED] percent.

01:41:30 9 MS. SCHALMAN-BERGEN: Q. And -- strike
01:41:35 10 that.

01:41:36 11 When you say "all teams," who were you
01:41:38 12 referring to?

01:41:45 13 A. This far back, I can't recall what I -- who I
01:41:48 14 was referring to in the all teams.

01:41:54 15 Q. When you say, "All teams are using the
01:41:57 16 corporate guidelines of [REDACTED] percent based on performance
01:41:59 17 and salary range," for the salary range, you're
01:42:02 18 discussing the min and max that Apple guidelines
01:42:06 19 prescribe for job titles; is that accurate?

01:42:08 20 MR. RILEY: Objection to the form.

01:42:10 21 THE WITNESS: What I'm describing in salary
01:42:12 22 range is what is the appropriate range based on job
01:42:14 23 title.

01:42:17 24 MS. SCHALMAN-BERGEN: Q. The next sentence
01:42:18 25 you say, "An important consideration is that folks

01:42:20 1 who are at the top of their salary range wouldn't
01:42:23 2 get merit raises."

01:42:25 3 Do you see that?

01:42:26 4 A. Yes.

01:42:26 5 Q. What did you mean by that?

01:42:28 6 A. There are some people who may have come in and
01:42:30 7 who may have ultimately have gotten to the top of their
01:42:33 8 salary range. And for them to be able to, you know --
01:42:37 9 these are the case of only the top performers. If our
01:42:40 10 top performers came in and they're near the top of their
01:42:43 11 range, in order for them to be able to get a merit
01:42:47 12 raise, they would actually be outside of that range.

01:42:50 13 And so the question is, when that happens, what
01:42:54 14 do you do? Sometimes you promote the people because in
01:42:57 15 some cases because of their performance we've shown that
01:43:00 16 they're people who need to get promoted to the next
01:43:03 17 level. And in some cases, it's a little bit more
01:43:05 18 difficult when that promotion takes them into a range,
01:43:08 19 for example, of directly managing people and these may
01:43:11 20 be individual contributor jobs.

01:43:15 21 Q. So you would -- in this email, are you saying
01:43:17 22 that they wouldn't be able to get merit ranges
01:43:19 23 [verbatim] without making one of those exceptions you
01:43:21 24 discussed because they're already at the top of their
01:43:24 25 salary range?

01:43:25 1 MR. RILEY: Object to the form.

01:43:29 2 THE WITNESS: What I'm describing here is that
01:43:30 3 we had some performers who were doing really well. And
01:43:32 4 if they're near or at the top of their range, we wanted
01:43:35 5 to make sure, as I said before, that in this process of
01:43:38 6 the merit increases that they got the message that
01:43:41 7 they're being appreciated and that, you know, we -- we
01:43:44 8 value their work. And so, again, as I said here, is
01:43:47 9 that there would be some people near the top, and then
01:43:50 10 given the description of that range that we have, you
01:43:53 11 know, it would become difficult.

01:43:55 12 MS. SCHALMAN-BERGEN: Q. Because that's a
01:43:57 13 rigid range that Apple sets; is that accurate?

01:44:00 14 MR. RILEY: Object to the form of the question.

01:44:01 15 THE WITNESS: Again, you know, how rigid it is,
01:44:03 16 I don't know, but it's basically the guide -- not the
01:44:07 17 guidelines, but it's the ranges that we work with.

01:44:10 18 MS. SCHALMAN-BERGEN: Q. Down -- if you go
01:44:12 19 down to the two paragraphs, at the end of the second
01:44:17 20 paragraph up, you say, "Award bonuses on an
01:44:21 21 individual basis as well depending on performance."
01:44:23 22 And then you say, "Bonuses at amounts equitable to
01:44:27 23 the rest of the DR team."

01:44:29 24 Do you see that?

01:44:30 25 A. Uh-huh.

01:52:30 1 THE WITNESS: Yes. I wouldn't -- I wouldn't
01:52:31 2 know based on what somebody would think.

01:52:35 3 MS. SCHALMAN-BERGEN: Q. Well, you're a
01:52:36 4 manager --

01:52:36 5 A. Uh-huh.

01:52:36 6 Q. -- so you're -- in this email, you're --

01:52:39 7 A. Uh-huh.

01:52:39 8 Q. -- you're here saying bonuses should be at
01:52:42 9 amounts equitable to the rest of the team. So I'm just
01:52:45 10 trying to get at what you mean by that. You know, in
01:52:47 11 your experience, is it important that people are
01:52:50 12 receiving compensation at the level that is appropriate?
01:52:53 13 And if compensation is off, does that affect
01:52:58 14 productivity?

01:52:59 15 MR. RILEY: Objection. It's a multiple
01:53:00 16 compound question, misstates the document and prior
01:53:04 17 testimony.

01:53:04 18 THE WITNESS: Okay. First question. Instead
01:53:05 19 of many questions, can you start with the first question
01:53:08 20 in that chain?

01:53:10 21 MS. SCHALMAN-BERGEN: Q. Sure.

01:53:12 22 If compensation is inequitable between a
01:53:16 23 range --

01:53:16 24 A. Uh-huh.

01:53:16 25 Q. -- in your experience as a manager, would that

01:53:18 1 impact the productivity of employees?

01:53:21 2 MR. RILEY: Object to the form of the question.

01:53:23 3 THE WITNESS: Again, it's speculative whether
01:53:25 4 it would impact the productivity or not. I mean, people
01:53:28 5 are different.

01:53:28 6 MS. SCHALMAN-BERGEN: Q. Is equitable
01:53:31 7 compensation something that you consider when making
01:53:34 8 management decisions about salaries?

01:53:37 9 MR. RILEY: Object to the form of the question.

01:53:39 10 THE WITNESS: Well, again, what we take a look
01:53:41 11 at, going back to what we've been discussing, is we make
01:53:44 12 sure that the compensation that we provide people at
01:53:46 13 positions is within the ranges that we discuss. And,
01:53:50 14 again, there's variability in that range based on
01:53:53 15 performance.

01:53:59 16 MS. SCHALMAN-BERGEN: Q. And would you
01:53:59 17 agree that it's important, generally, to hire within
01:54:02 18 a salary range to preserve equity between employees
01:54:06 19 performing similar jobs?

01:54:08 20 MR. RILEY: Objection to the form of the
01:54:08 21 question.

01:54:10 22 THE WITNESS: I believe that you take a look at
01:54:12 23 the job opening that we have, the position that we hire
01:54:15 24 for, and, again, you look for people who are best fit
01:54:18 25 for the job. And that is defined -- the pay scale is

01:54:24 1 going to be defined on what that job is.

01:54:29 2 MS. SCHALMAN-BERGEN: Q. I'm not sure you
01:54:29 3 answered my question. Can we try one more time?

01:54:31 4 A. Sure.

01:54:32 5 MS. SCHALMAN-BERGEN: Can you read that back.

01:54:45 6 (Record read as follows: And would you agree
01:54:45 7 that it's important, generally, to hire within
01:54:45 8 a salary range to preserve equity between
01:54:45 9 employees performing similar jobs?)

01:54:47 10 MR. RILEY: Object to the form of the question.

01:54:51 11 THE WITNESS: I think I did answer it, is that
01:54:53 12 we have position descriptions, and within that position
01:54:57 13 description, there is a salary range. And we bring in
01:55:01 14 the person against that position based on the best
01:55:04 15 qualified candidate, and it should fit within that
01:55:08 16 range; otherwise, we haven't scoped the job right.

01:55:11 17 MS. SCHALMAN-BERGEN: Q. And is one of the
01:55:12 18 reasons for the range to make sure there is equity
01:55:14 19 between employees' salaries performing similar jobs?

01:55:17 20 MR. RILEY: Object to the form of the question.

01:55:19 21 THE WITNESS: I don't know if it's equity or
01:55:21 22 not. What I really know is, though, that when we do
01:55:23 23 this, it's really to make sure that we have competitive
01:55:26 24 salaries, because that's one of the things we want to
01:55:28 25 make sure is that when people do look at jobs at other

01:55:32 1 places, again, those type of things are okay so we can
01:55:37 2 hire the candidates we want.

01:55:38 3 MS. SCHALMAN-BERGEN: Q. Describe to me
01:55:39 4 what you mean by "competitive salaries."

01:55:41 5 A. That if somebody is doing a type of job at one
01:55:43 6 company, say, again, you know, it's a director job of
01:55:46 7 product marketing, and then they go to another director
01:55:48 8 job of product marketing, that there is enough range in
01:55:53 9 there so that you can attract one person from one
01:55:56 10 company to the other.

01:55:57 11 Q. So it's important for Apple to be pricing the
01:56:01 12 job ranges at rates that are competitive with other
01:56:04 13 companies that Apple may compete with for employees?

01:56:08 14 MR. RILEY: Object to the form.

01:56:09 15 THE WITNESS: I would just say that's one of
01:56:11 16 the things. There may be other things that could factor
01:56:13 17 into that in terms of how people -- how people in job
01:56:16 18 classifications are priced.

01:56:19 19 MS. SCHALMAN-BERGEN: Q. But that is one
01:56:20 20 of the things, yes?

01:56:22 21 MR. RILEY: Object to the form.

01:56:23 22 THE WITNESS: It could be one of them.

01:56:29 23 MS. SCHALMAN-BERGEN: Q. What other
01:56:30 24 companies does Apple compete with for employees?

01:56:35 25 MR. RILEY: Object to the form.

01:56:40 1 THE WITNESS: We look -- we look for the best
01:56:43 2 candidates we can find. And so I wouldn't necessarily
01:56:47 3 say that we're competing with people. I think we're all
01:56:49 4 there trying to get the best candidates. And so, again,
01:56:53 5 it depends upon if we have something that's attractive
01:56:56 6 that people want to sign up for and join, versus them
01:56:59 7 thinking something else is more attractive.

01:57:02 8 MS. SCHALMAN-BERGEN: Q. When you said
01:57:03 9 "competitive salaries," are there specific companies
01:57:06 10 that Apple uses as a benchmark of what a competitive
01:57:09 11 salary would be?

01:57:10 12 A. I wouldn't know that.

01:57:23 13 Q. If Apple doesn't use -- doesn't take into
01:57:27 14 consideration competitive salaries, do you risk losing
01:57:30 15 employees? Do you have a problem with retention?

01:57:33 16 MR. RILEY: Objection. It's a multiple-part
01:57:35 17 question. Object to the form.

01:57:37 18 THE WITNESS: Yes. Can you break that down to
01:57:39 19 one question first, please.

01:57:41 20 MS. SCHALMAN-BERGEN: Q. If Apple doesn't
01:57:42 21 take into consideration competitive salaries, do you
01:57:44 22 risk losing employees?

01:57:47 23 MR. RILEY: Object to the form.

01:57:51 24 THE WITNESS: Again, when we take a look at --
01:57:53 25 when we have an open position and we were looking for

01:57:55 1 people we'd like to hire, we want to make sure that we
01:57:58 2 can make an offer that we can hire them.

01:58:03 3 MR. RILEY: Q. If Apple does not have
01:58:05 4 competitive salaries, would you risk having a
01:58:09 5 problem with retention?

01:58:11 6 MR. RILEY: Object to the form of the question.
01:58:13 7 Hypothetical.

01:58:19 8 THE WITNESS: No. I think it depends -- it's a
01:58:21 9 case-by-case basis dependent upon the employee. I think
01:58:25 10 everybody has -- you know, let's take my case in point.
01:58:30 11 You asked me several times about whether or not I asked
01:58:34 12 for compensation increases based on potential job offers
01:58:37 13 and things like that. And it's just one of the things I
01:58:40 14 think people put to consideration. That's just one of
01:58:42 15 the -- that's one of the factors in retention.

01:58:46 16 Retention is very, you know, it's complex because I
01:58:48 17 think it's based on a lot of the individual.

01:58:50 18 MS. SCHALMAN-BERGEN: Q. Well, as a
01:58:51 19 manager, you're kind of looking big picture at
01:58:53 20 things. And so if, for example, Apple was paying
01:58:58 21 well below market rate, would you be concerned that
01:59:02 22 you might lose employees?

01:59:04 23 MR. RILEY: Object to the form of the question.

01:59:17 24 THE WITNESS: You know, it would just, again,
01:59:18 25 be one of the factors. I think, again, retention is a

01:59:21 1 very complex thing. Again, just using myself as an
01:59:26 2 example, I took a reduction in my title from a VP title
01:59:29 3 to director title because I saw an opportunity. And I
01:59:33 4 believe that with respect to retention, again, every
01:59:36 5 individual, I think, has their factors of what makes
01:59:39 6 them happy in their job.

01:59:41 7 MS. SCHALMAN-BERGEN: Q. But retention
01:59:42 8 would be something that would be considered if -- in
01:59:44 9 that scenario where Apple was compensating its
01:59:47 10 employees at well below market?

01:59:49 11 MR. RILEY: Object to the form of the question.

01:59:50 12 THE WITNESS: No. What I said was is that, you
01:59:51 13 know, you -- that -- what I said was is that when you
01:59:54 14 take a look at this notion of retention, retention is a
01:59:57 15 very -- is a very interesting thing, because every
01:59:59 16 single person has their own motivations and their own
02:00:02 17 factors for why they choose a job, for one instance, and
02:00:05 18 why they stay in the job. And so when you talk about
02:00:10 19 the reasons for it, you know, it's a multi-factored
02:00:14 20 decision, I believe.

02:01:05 21 MS. SCHALMAN-BERGEN: Q. During the time
02:01:07 22 you worked -- you've been working at Apple, we
02:01:11 23 talked a little bit about the collaborations between
02:01:13 24 Apple and Adobe.

02:01:15 25 A. Uh-huh.

02:01:16 1 Q. And I want to ask you some questions about what
02:01:18 2 sorts of work has been going on, what kind of
02:01:22 3 collaborations were going on between Apple and Adobe
02:01:24 4 during the time you've worked there.

02:01:26 5 A. Uh-huh.

02:01:26 6 Q. Okay?
02:01:27 7 You mentioned two types of events that you'd
02:01:30 8 consider to be major collaborations. Those were
02:01:33 9 platform changes and integration of operating system.
02:01:37 10 So since you've joined Apple, have Apple and Adobe
02:01:41 11 worked on a platform change together?

02:01:44 12 MR. RILEY: Objection. Misstates his prior
02:01:46 13 testimony.

02:01:48 14 THE WITNESS: The collaboration that we have
02:01:50 15 going on between Apple and Adobe is pretty much ongoing,
02:01:53 16 because they're constantly updating their software,
02:01:57 17 we're constantly updating our operating system and our
02:02:01 18 hardware. And, therefore, there is multiple instances.
02:02:04 19 It's not just necessarily a platform change. It could
02:02:06 20 be a software upgrade, it could be going to a different
02:02:10 21 speed range of a CPU inside of a computer.

02:02:12 22 Any one of those events would have the need for
02:02:14 23 collaboration for, you know, what we talked about
02:02:17 24 earlier, which is the -- the products working well,
02:02:21 25 being compatible, and that's an ongoing thing.

02:02:25 1 So in the case of what we did with the two big
02:02:29 2 ones that affected most developers, one, of course, was
02:02:32 3 the switch from OS -- from System 9 over to OS X, and
02:02:35 4 the second, which was the switch from the powered PC CPU
02:02:39 5 architecture to the Intel architecture.

02:02:42 6 MS. SCHALMAN-BERGEN: Q. So the answer to
02:02:43 7 my question is yes, there has been collaboration
02:02:48 8 with Adobe that involved a platform change?

02:02:50 9 A. Yes, there has been collaboration of Adobe
02:02:52 10 involving platform change, but there's also been
02:02:55 11 constant collaboration even between those periods,
02:02:58 12 because, again, as I said, with respect to OS updates,
02:03:02 13 CPU updates, regardless, but that's a change in the -- a
02:03:04 14 major change of the platform, that's an ongoing
02:03:07 15 exercise.

02:03:07 16 MS. SCHALMAN-BERGEN: I'm going to move to
02:03:09 17 strike that as not responsive. That's -- was not my
02:03:11 18 question.

02:03:11 19 Q. Between 2001 --

02:03:12 20 MR. RILEY: I believe it was responsive to your
02:03:14 21 question.

02:03:14 22 MS. SCHALMAN-BERGEN: Q. Between 2001 and
02:03:16 23 2009, there have been platform changes with Apple
02:03:22 24 that involved collaborations with Adobe; is that
02:03:24 25 fair to say?

02:03:27 1 A. Yes.

02:03:28 2 Q. Okay. And with respect to integration of
02:03:30 3 operating systems, is that a collaboration that Apple
02:03:33 4 and Adobe have worked on together since 2001?

02:03:36 5 A. Well, let me -- let me point out two things.

02:03:42 6 The first, is as far as the platform changes,
02:03:44 7 the platform changes, there are major things that we do,
02:03:49 8 but then there's also the ongoing stuff that we always
02:03:52 9 do. And with respect to that work, there's always the
02:03:54 10 need for collaboration because the two companies have to
02:03:57 11 work together to make that stuff work.

02:03:59 12 Then with respect to integration, integration
02:04:03 13 could be something that Adobe could do potentially, but
02:04:06 14 it's also things that we do with other partners. For
02:04:08 15 example, one can say that when we went from the power PC
02:04:12 16 architecture to the Intel architecture, that
02:04:15 17 architecture was basically integrating that new CPU onto
02:04:24 18 our -- onto our machines.

02:04:25 19 So -- I'm sorry, your question again?

02:04:26 20 Q. Right.

02:04:27 21 A. Make sure I --

02:04:26 22 Q. I understand that maybe you may have talked
02:04:28 23 about other collaborations --

02:04:30 24 A. Yeah.

02:04:30 25 Q. -- during the break with counsel, but that's

03:29:02 1 THE WITNESS: I can't remember it was before or
03:29:03 2 after. I believe it was -- actually, you know what, I
03:29:08 3 just can't remember what the time frame was for both of
03:29:10 4 those.

03:29:11 5 MS. SCHALMAN-BERGEN: Q. I just want to
03:29:12 6 make sure that the testimony is clear. Before, I
03:29:14 7 thought you were saying that the issue came to your
03:29:16 8 attention because of an incident with Garmin.

03:29:19 9 A. Uh-huh.

03:29:20 10 Q. And then you spoke with Mark about Adobe. Is
03:29:22 11 that not your testimony?

03:29:25 12 MR. RILEY: Objection. Misstates his
03:29:26 13 testimony.

03:29:29 14 THE WITNESS: What I used is Garmin as an
03:29:31 15 example of where cold calling was done -- it could have
03:29:37 16 done harm to the work that we were trying to get done.
03:29:39 17 You know, we were trying to get the port completed. And
03:29:43 18 Garmin had expressed concern over what they had done. I
03:29:47 19 had also had concerns that other companies that we would
03:29:51 20 work with that if these things occurred, it could also
03:29:54 21 get in the way of the work that we were trying to get
03:29:57 22 done.

03:29:59 23 MS. SCHALMAN-BERGEN: Q. So what led you
03:30:00 24 to be concerned that cold calling might get in the
03:30:04 25 way of work to be done with Adobe?

03:30:08 1 A. Because I explained to you, in this situation,
03:30:10 2 we're working very closely with these guys, you know,
03:30:14 3 these are complex things we're working on. We're in a
03:30:17 4 face-to-face situation. Our guys would -- you know, we
03:30:21 5 would have meetings, we would get together, and then
03:30:22 6 we'd, you know, get together again just a few days
03:30:25 7 later.

03:30:27 8 And one of the things that we wanted to do is
03:30:29 9 really establish this collaboration, you know, this
03:30:32 10 spirit of collaboration that we have, that their best
03:30:36 11 efforts and our best efforts would go forward to making
03:30:39 12 sure that the products came out in a really good way.

03:30:43 13 And what cold calling would do is it would
03:30:46 14 make -- it could make managers and others wonder, why
03:30:52 15 are the -- you know, are those meetings -- are -- is the
03:30:56 16 frequency and the extent of those meetings going to be
03:30:59 17 something that's going to lead to Apple people just, you
03:31:04 18 know, again divebombing with phone calls to a bunch of
03:31:08 19 people, or can we really do that and make sure that the
03:31:11 20 people can stay focused on the work and get that work
03:31:14 21 done?

03:31:16 22 MS. SCHALMAN-BERGEN: Q. Well, Apple and
03:31:17 23 Adobe have had a partnership since before you
03:31:19 24 started working at Apple; is that accurate?

03:31:21 25 A. Yes.

03:31:23 1 Q. When would you say the partnership began?

03:31:29 2 A. I'd have to say it was probably back in the
03:31:33 3 time when John Warnock created the first PDF desktop
03:31:39 4 publishing system for the Apple.

03:31:41 5 Q. In the early '80s; does that sound right?

03:31:45 6 A. Sounds right, yes.

03:31:47 7 Q. And in 1990, Photoshop was introduced on Mac
03:31:52 8 only; is that right?

03:31:54 9 A. I can't recall if that was the case or not.

03:31:56 10 Q. And did Apple collaborate with Adobe on
03:31:59 11 QuickTime?

03:32:05 12 A. Yes, I believe they did.

03:32:07 13 Q. What is QuickTime?

03:32:09 14 A. QuickTime is basically a software piece that
03:32:13 15 allows you to view movies and things inside of a
03:32:16 16 computer.

03:32:22 17 Q. When was QuickTime released?

03:32:24 18 A. I don't know.

03:32:26 19 Q. Prior to the time that you joined Adobe?

03:32:30 20 A. Yes, I believe so.

03:32:35 21 Q. And in 1994, Adobe released After Effects for
03:32:40 22 the Mac; is that right?

03:32:43 23 A. Again, I don't know.

03:32:46 24 Q. What's After Effects?

03:32:48 25 A. After Effects is a video -- actually, it's a

03:37:33 1 being a party -- to running developer relations. And in
03:37:36 2 the product management vein, you know, we were kind of
03:37:39 3 pretty much downward focused in terms of making this
03:37:41 4 stuff work. And what we cared about was making sure
03:37:44 5 that we got the right support from Apple so that these
03:37:47 6 things did work.

03:37:48 7 And that changed when I went from Adobe to
03:37:51 8 Apple and I became the vice president of developer
03:37:54 9 relations. So in that respect, you know, my perspective
03:37:59 10 changed because my perspective now is making sure that
03:38:02 11 we have the right environment for both of our teams to
03:38:05 12 be able to go and, you know, create, again, a great
03:38:08 13 product.

03:38:08 14 Because I think it bears in mind that at the
03:38:15 15 time, the Mac platform was going through the changes
03:38:17 16 because it really needed to get up to speed. And so it
03:38:20 17 was very critical that certain applications get moved
03:38:22 18 over. And, you know, again, this is coming from my new
03:38:27 19 job as VP of product -- of, rather, developer relations.
03:38:31 20 And Adobe then became a very important product -- or
03:38:34 21 rather, it had always been a very important partner.
03:38:37 22 But getting things like Photoshop and some of the
03:38:39 23 products that you just described was very, very
03:38:43 24 important.

03:38:43 25 And so with the job that I had as being the VP

03:38:48 1 of developer relations, I wanted to make sure that those
03:38:52 2 conditions, to making sure that that goal got achieved,
03:38:55 3 were in the best shape possible.

03:39:02 4 Q. While you were at Adobe, did you ever become
03:39:04 5 aware that cold calling -- Apple's cold calling into
03:39:09 6 Adobe disrupted the making stuff work between Apple and
03:39:13 7 Adobe?

03:39:18 8 MR. RILEY: Objection to the form of the
03:39:19 9 question.

03:39:20 10 THE WITNESS: Can you say -- can we go over
03:39:20 11 that question again, please.

03:39:22 12 MS. SCHALMAN-BERGEN: Q. Sure.

03:39:24 13 While you were at Adobe working on the InDesign
03:39:28 14 collaboration between Adobe and Apple, were you ever
03:39:31 15 made aware that cold calling from Apple into Adobe or
03:39:35 16 Adobe into Apple disrupted the collaborations between
03:39:39 17 the two companies?

03:39:42 18 A. For the job that I was doing at the time, I had
03:39:45 19 no direct -- I had no direct feedback or heard anything
03:39:49 20 of that nature.

03:39:53 21 Q. Do you know whether Apple was making cold calls
03:39:55 22 into Adobe during that time period?

03:39:57 23 A. No, I don't know.

03:40:01 24 Q. Do you know whether Adobe was making cold calls
03:40:04 25 into Apple during that time period?

03:40:05 1 A. No, I don't know.

03:40:06 2 And to be clear, this is while I was at Adobe?

03:40:09 3 Q. While you were at Adobe, yes.

03:40:10 4 A. Okay.

03:40:22 5 Q. While you were at Adobe, did you ever become

03:40:24 6 aware that collaborations between any company were being

03:40:28 7 impacted because the companies were cold calling into

03:40:30 8 each other?

03:40:37 9 A. While I was at Adobe?

03:40:40 10 Q. Yes.

03:40:41 11 A. I don't believe so.

03:40:48 12 MR. RILEY: We've been going about an hour.

03:40:49 13 MS. SCHALMAN-BERGEN: Okay. We can take a

03:40:51 14 break.

03:40:51 15 THE VIDEOGRAHER: This is the end of video

03:40:52 16 No. 5. The time is 3:40 p.m. We're going off the

03:40:56 17 record.

03:40:57 18 (Recess taken.)

03:52:02 19 THE VIDEOGRAHER: This is the beginning of

03:58:06 20 video No. 6 in the deposition of Ron Okamoto. The time

03:58:10 21 is 3:58 p.m. We're back on the record.

03:58:14 22 MS. SCHALMAN-BERGEN: Q. Mr. Okamoto, is

03:58:15 23 there any reason why you can't continue to give me

03:58:17 24 your best testimony?

03:58:18 25 A. No.

1 I, Gina V. Carbone, Certified Shorthand
2 Reporter licensed in the State of California, License
3 No. 8249, hereby certify that the deponent was by me
4 first duly sworn and the foregoing testimony was
5 reported by me and was thereafter transcribed with
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7 full, complete, and true record of said proceedings.

8 I further certify that I am not of counsel or
9 attorney for either of any of the parties in the
10 foregoing proceeding and caption named or in any way
11 interested in the outcome of the cause in said caption.

12 The dismantling, unsealing, or unbinding of
13 the original transcript will render the reporter's
14 certificates null and void.

15 In witness whereof, I have hereunto set my
16 hand this day: March 11, 2013.

17 _____ Reading and Signing was requested.

18 _____ Reading and Signing was waived.

19 ___X___ Reading and signing was not requested.

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GINA V. CARBONE

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CSR 8249, CRR, CCRR

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